

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1084

T040035

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("COMMISSION"), The Burlington Northern Santa Fe Railway Company ("COMPANY"), Maine Township Road District ("ROAD DISTRICT"), and the State of Illinois, Department of Transportation ("DEPARTMENT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the Jugtown Road highway-rail grade crossing of the Company's tracks located near the City of Coal City, Grundy County Illinois, designated as crossing AAR/DOT 004410M, milepost 60.83; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

DOCKETED

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) The Company should install new automatic flashing light signals and gates, controlled by constant warning time circuitry.
- b) The Company should repair/reconstruct the existing crossing surfaces to comply with requirements of 92 Illinois Administrative Code 1535.

Section 3 The Company has prepared a preliminary estimate of cost to accomplish the proposed improvements, which it may be required to perform. Said estimate is attached as Exhibit B. The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be (120) days and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- (a) The cost for the improvements listed in Section 2(a) is estimated to be \$156,572. The Grade Crossing Protection Fund should pay 90% of the actual installation cost, not to exceed \$140,915. The Company should pay any remaining installation costs, as well as all future operating and maintenance costs.
- (b) The cost for the improvements listed in Section 2(b) should be paid 100% by the Company, as well as all future maintenance costs.

Section 6 Special Provisions: The Company shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of Company employee responsible for management of the project.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, Room 205, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Public Act 93-0604 (effective November 21, 2003), which amends 18c-7401 (Safety Requirements for Track, Facilities, and Equipment) of the Illinois Commercial Transportation Law, requires installation of temporary STOP signs whenever the Commission authorizes the installation of automatic flashing light signals or automatic flashing light signals and gates at public highway-rail grade crossings. The temporary STOP signs shall remain in place until the luminous flashing signal or crossing gate devices have been installed. The rail carrier is responsible for the cost of the installation and subsequent maintenance of any required temporary STOP signs.

625 ILCS 5/18c-1701 and 1704 require each "person", as defined by Section 18c-1104, to comply with every regulation or order of the Commission. These sections further provide that any person who fails to comply with a Commission regulation or order shall forfeit to the state not more than \$1,000 for each such failure, with each day's continuance of the violation being considered a separate offense. While the Commission expects the parties to comply with this Order in all matters addressed herein and in a timely manner, the Commission advises the parties that any failure to comply may result in the assessment of such sanctions.

Any person making a Request For Extension Of Time up to 30 days to complete a project ordered by the Commission must file a request with the Director of Processing no later than 14 days in advance of the scheduled deadline. An Administrative Law Judge will consider and decide the request.

Any person requesting an extension of time that exceeds 30 days must file a Petition For Supplemental Order with the Director of Processing no later than 21 days in advance of the scheduled deadline. The Commission will decide Petitions For Supplemental Orders.

Requests For Extension Of Time and Petitions For Supplemental Orders must include the reason(s) the additional time is needed to complete the work and the time within which the project will be completed. Prior to submitting a Request For Extension Of Time or a Petition For Supplemental Order, the person must notify the Commission's Rail Safety Program Administrator that it is unable to complete the project within the ordered

time;

The Commission or its Administrative Law Judge reserves the right to deny Petitions For Supplemental Order and Requests For Extension Of Time, if the reason(s) supporting the request is insufficient or where it appears the person has not made a good faith effort to complete the project within the allotted time. Failure of the Commission or Administrative Law Judge to act on a pleading prior to the deadline means the originally ordered completion date remains in effect.

This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

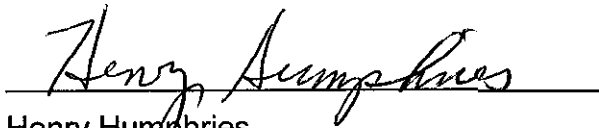
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this **25th** day of **February**, 2004.

A handwritten signature in dark ink, appearing to read "M. Stead", written over a horizontal line.

Michael E. Stead
Rail Safety Program Administrator

Attest:

A handwritten signature in dark ink, appearing to read "Henry Humphries", written over a horizontal line.

Henry Humphries
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1084 concerning improvements at the Jugtown Road highway-rail grade crossing of The Burlington Northern Santa Fe Railway Company tracks, near the City of Coal City, Grundy County, Illinois, designated as crossing AAR/DOT # 004410M, Milepost 60.83.

Executed by the Company this 10TH day of 3 March 2004.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

By: _____

Cheryl Martin

APPROVED AS TO FORM 3/5/04

[Signature]

Burlington Northern Santa Fe Law Department

Attest:

[Signature]

RECEIVED
MAR 15 2004

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. **1084** concerning improvements at the Jugtown Road highway-rail grade crossing of The Burlington Northern Santa Fe Railway Company tracks, near the City of Coal City, Grundy County, Illinois, designated as crossing AAR/DOT # 004410M, Milepost 60.83.

Executed by Maine Township Road District this 16 day of MAR 2004.

MAINE TOWNSHIP ROAD DISTRICT

By: Mind 7. [Signature]
Highway Commr.

Attest:

Mind 7. [Signature]

RECEIVED
MAR 19 2004

Illinois Commerce Commission
RAIL SAFETY SECTION

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Executed by the Department this 29th day of March 2004.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: Victor A. Modler *cpd*
Director of Highways

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	004410M, 60.83
STREET, CITY, COUNTY	Jugtwn Road near Coal City, Grundy County
JURISDICTION (RDWY)	Maine Township Road District
LOCATION	Rural
STREET SURFACE	Oil/ chip, 13' Condition

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Full-Depth Timber	24'	Fair ¹
Main	Full-Depth Timber	24'	Fair ¹

¹Note: South crossing surface includes several loose lag bolts, several bolts that are bent over; crossing surface field panels are canted inward toward the rail approx. 1 ½"; South crossing surface is approximately 2" lower than the North crossing surface.

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Private entrances
TRAFFIC CONTROL	None
ADT & SPEED	100Vehicles Per Day @ 55 (unposted) MPH
TRAFFIC TYPE	Passenger, School Busses, Hazardous Materials, all possible
ADVANCE WARNING	Yes- So. Appr.; No – North Appr.
PAVEMENT MARKING	NO

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	72 Per day @ 70 MPH Day & Night? Yes
PASSENGER TRAFFIC	None
WARNING DEVICES	Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	70	MPH
Roadway Speed	55 (unposted)	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	573	FEET
Along Tracks	730	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1,679	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	OK*		OK @*	
NW	OK*		OK @*	
SE	OK*		OK @*	
SW	OK*		Ok @*	

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.
@ Ok if no mature crops are in adjacent farm fields.

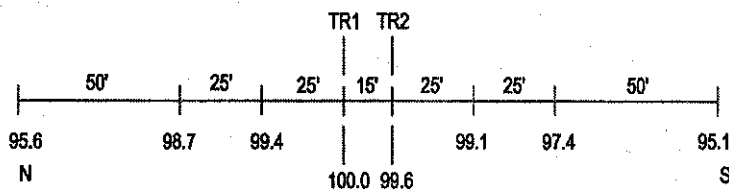
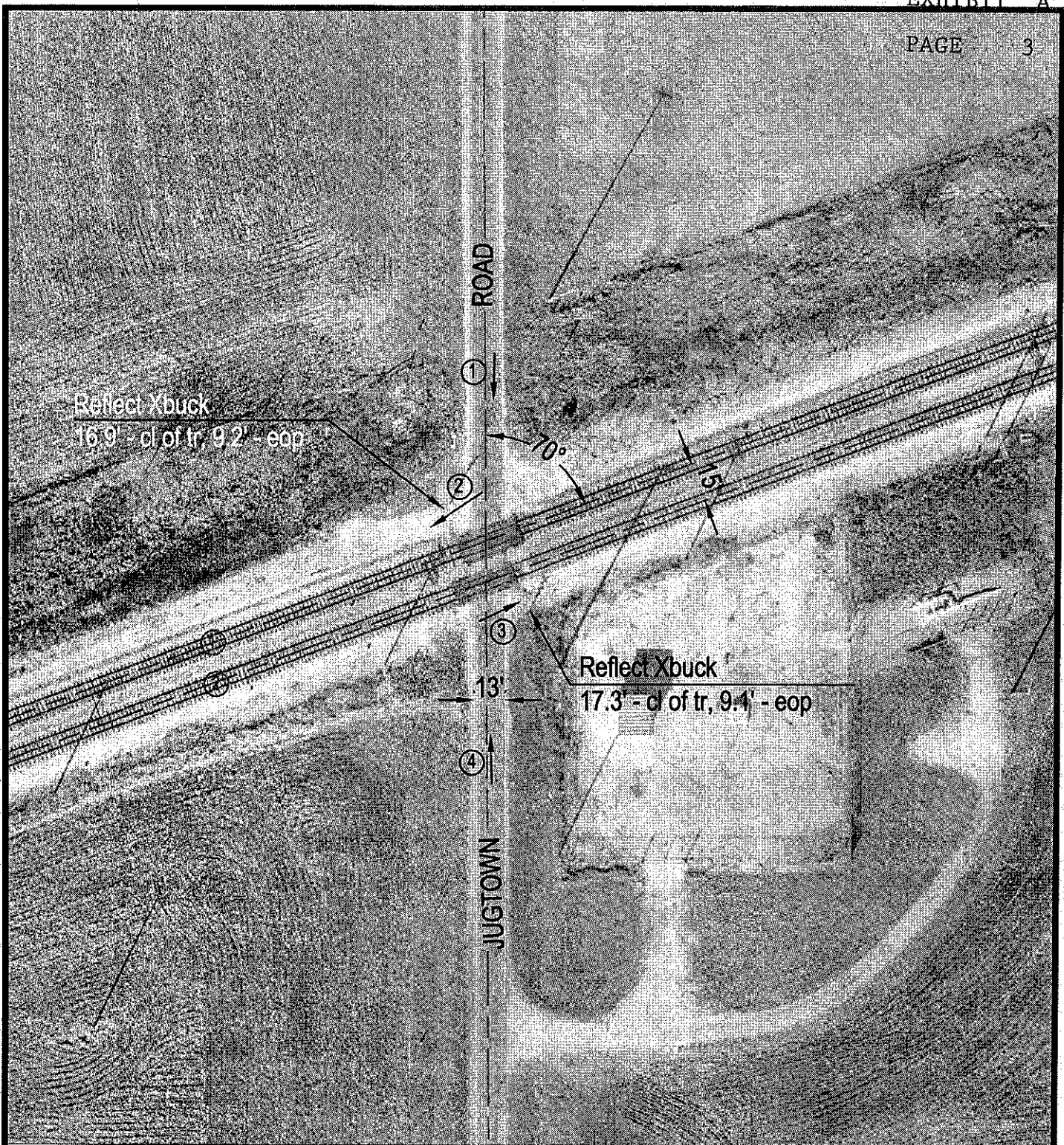
APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	.6	2.4	25	.9	3.6
50	.7	2.8	50	1.7	6.8

Distance measured from outermost rail.

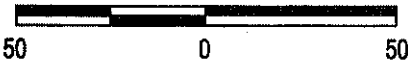
COMMENTS: For expediency, staff recommends the Grade Crossing Protection Fund (GCPF) and the Burlington Northern Santa Fe Railway Company (BNSF) each pay a portion of Clarion Township Road District's portion of the cost to install new automatic warning devices. Staff recommends the GCPF pay 90% of the installation costs with the BNSF paying all remaining installation costs, as well as all future operating and maintenance costs.

See Page Three for a Location Sketch (Aerial Photo) of the crossing.



ROAD PROFILE

SCALE IN FEET



③

Photo Location

Crossing #: 004410M

Location: Grundy Co., City of Coal City (Near)

Lat/Long: 41°16'02" / 88°19'24"

Railroad: BNSF

Street: Jugtown Road

Railroad Milepost: 60.83

Crossing Protection: Signs

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

LOCATION :	MAZON	LINE SEGMENT :	7000	AFE NUMBER :	
PLANITEM NUMBER :	PSI004410M	MILEPOST :	0060.83	RFA NUMBER :	
PROPERTY OF :	BNSF RAILWAY COMPANY	DIVISION :	CH	CPAR NUMBER :	
OPERATED BY :	BNSF RAILWAY COMPANY	SUBDIVISION :	CHILLICOTHE	BUDGET YEAR :	2004
JOINT FACILITY :	STATE OF ILLINOIS	TRACK TYPE :	2	BUDGET CLASS :	10
% BILLABLE (+/-) :	090.00	TAX STATE :	IL COUNTY: GRUNDY	REPORTING OFFICE :	455
REQUESTER ID :	A337 - JOHN ROGMAN	MATL DATE :		SPONSOR :	VP ENGIN
PROJECT TYPE :	SGX	LOCATION CODE :	381010	DEPT CODE :	MOWGH
DOT NUMBER :	004410M			DERAILMENT CODE :	

PURPOSE, JUSTIFICATION AND DESCRIPTION

SIGNAL COST TO INSTALL NEW GATES, FLASHERS & BUNGALOW W/ CONSTANT WARNING CIRCUITRY AT (JUGTOWN RD DOT 004 410 M) IN COAL CITY, IL L/S 7000 MP 60.83 CHICAGO DIV, CHILLICOTHE SUBDIV.

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.
THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.
CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.
THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR MATERIAL, LABOR, AND OVERHEADS.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING APPROXIMATELY 90% WITH BNSF FUNDING APPROXIMATELY 10% OF THIS PROJECT .

MAINTAIN PROPRIETARY CONFIDENTIALITY

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

	CASH CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COST	BILLABLE	TOTALS
LABOR COSTS	6,120	0	0	0	55,080	61,200
MATERIAL COSTS	7,218	0	0	0	64,962	72,180
OTHER COSTS	2,320	0	0	0	20,872	23,192
TOTALS	15,658	0	0	0	140,914	156,572

ENGINEERING SERVICES - KANSAS CITY
ESTIMATE REF. NUMBER : PSI004410M - 1--2S
COSTING DATE : 02/17/2004

PRINTED ON : 02/17/2004
ESTIMATED BY : POOR
PRINTED BY : POOR

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		400	9911	SIGNAL FIELD LABOR - CAP	840.00	0.0 MH	17,882			
* LABOR SUBTOTAL							17,882	0	0	0
1120	313	400	9911	BATTERY	1.0	EA N	5,033			
1120	313	400	9911	BUNGALOW 6X6	1.0	EA N	5,450			
1120	313	400	9911	BUNGALOW MATERIAL	1.0	LS N	5,396			
1120	313	400	9911	CABLE	1.0	EA N	2,227			
1120	313	400	9911	CHARGERS	1.0	LS N	899			
1120	313	400	9911	CONSTANT WARNING 2TKBI-DI	1.0	EA N	18,620			
1120	313	400	9911	FIELD MATERIAL	1.0	LS N	4,460			
1120	313	400	9911	FOUNDATION	2.0	EA N	870			
1120	313	400	9911	GATE KEEPER	2.0	EA N	3,550			
1120	313	400	9911	GATE MECH. MODEL 95 COMPLETE	2.0	EA N	10,062			
1120	313	400	9911	LAMP RESISTOR PANEL	1.0	EA N	735			
1120	313	400	9911	LIGHT OUT DETECTOR	1.0	EA N	659			
1120	319	400	9911	MATERIAL FOR ELECTRICAL	1.0	EA N	1,500			
1120	313	400	9911	MISC. MATERIAL	1.0	EA N	1,500			
1120	313	400	9911	RECORDER	1.0	EA N	2,145			
1120	313	400	9911	RTU-6, CELLULAR MONITOR	1.0	EA N	2,060			
1120	313	400	9911	SHUNT, NBS	6.0	EA N	1,794			
* MATERIAL SUBTOTAL							66,960	0	0	0
1120	410	400	9911	AC POWER SERVICE	1.0	EA N	1,500			
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	6,000			
1120	790	400	9911	FILL DIRT	5.0	CY N	125			
1120	790	400	9911	SURFACE ROCK	25.0	CTN N	625			
* OTHER SUBTOTAL							8,250	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			14,425			
				EQUIPMENT EXPENSES			4,490			
				DA LABOR OVERHEADS			16,090			
				INSURANCE EXPENSES			2,819			
				USE TAX			4,386			
				OFFLINE TRANSPORTATION			834			
* GANG TOTAL							136,136	0	0	0
8		400	9911	SIGNAL SHOP LABOR - CAP	80.00	0.0 MH	1,764			
* LABOR SUBTOTAL							1,764	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			1,423			
				EQUIPMENT EXPENSES			442			
				DA LABOR OVERHEADS			1,587			
				INSURANCE EXPENSES			278			
* GANG TOTAL							5,494	0	0	0
PROJECT SUBTOTAL							141,630	0	0	0
CONTINGENCIES							14,163	0	0	0
BILL PREPARATION FEE							779	0	0	0
PROJECT GROSS COST							156,572	0	0	0
LESS COST PAID BY OTHERS							140,914	0	0	0
PROJECT NET COST							15,658	0	0	0

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
FHPM ESTIMATE FOR
STATE OF ILLINOIS

LOCATION:- MAZON DETAILS OF ESTIMATE PLAN ITEM: PSIO04410M VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

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THIS PROJECT .

MAINTAIN PROPRIETARY CONFIDENTIALITY

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

SIGNAL FIELD LABOR - CAP	840.00	MH	17,882	
SIGNAL SHOP LABOR - CAP	80.00	MH	1,764	
PAYROLL ASSOCIATED COSTS			15,848	
EQUIPMENT EXPENSES			4,932	
DA LABOR OVERHEADS			17,677	
INSURANCE EXPENSES			3,097	
TOTAL LABOR COST			61,200	61,200

MATERIAL				

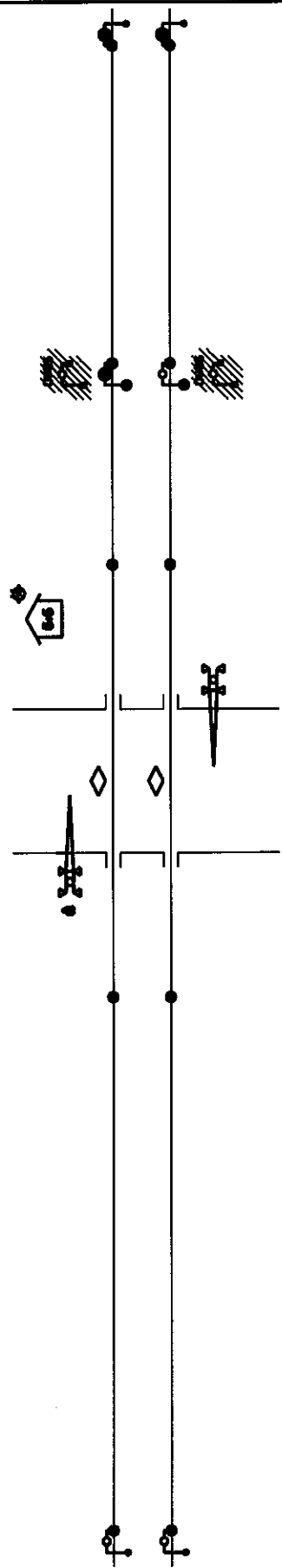
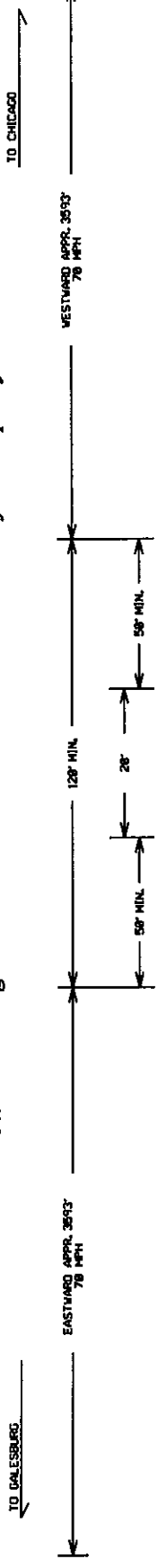
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SHUNT, NBS	6.00	EA N	1,794	
USE TAX			4,386	
OFFLINE TRANSPORTATION			834	
TOTAL MATERIAL COST			72,180	72,180

OTHER				

AC POWER SERVICE	1.00	EA N	1,500	
CONTRACT ENGR.	1.00	EA N	6,000	
FILL DIRT	5.00	CY N	125	
SURFACE ROCK	25.00	CTN N	625	

TOTAL OTHER ITEMS COST	8,250	8,250
PROJECT SUBTOTAL		141,630
CONTINGENCIES		14,163
BILL PREPARATION FEE		779
GROSS PROJECT COST		156,572
LESS COST PAID BY BNSF		15,658
TOTAL BILLABLE COST		140,914
		=====

The Burlington Northern & Santa Fe Railway Company



JUGGTOWN ROAD
DOT = 964 419 M

INSTALL: GATES & FLASHERS
CONTROL DEVICES: CONSTANT WARNING

BOLD - IN
~~SLASH~~ - OUT
SALVAGE: NONE

	INSTRUMENT HOUSE
	BELL
	METER
	CROSSING CONTROL CONNECTIONS
	BIDIRECTIONAL CROSSING CONTROL
	UNIDIRECTIONAL CROSSING CONTROL
	COUPLER OR TERMINATION
	GUARD RAIL

Warning device placement:
Clearance to C.L. Track = Min. 12', Max. 20'
Edge of Road to C.L. Foundation:
Min. 4'1" with curb,
Min. 8'1" without curb,
Max. 12'
House Clearance:
25' Min. to C.L. of Track
30' Min. to Edge of Road
Front Lights:
30-15 Degree Lenses
Back and Side Lights: 70 Degree Lenses
Cantilever Jury Mast: 20-32 Degree Lenses

BNSF RAILWAY CO.
COAL CITY, IL.
JUGGTOWN ROAD
LS: 7000
M.P. 60.83
DOT = 004 410 M
DIVISION CHICAGO
SUBDIVISION CHILLICOTHE
KANSAS CITY
NO SCALE
DATE: 02/13/04
FILE: 700060.83.dgn